

REMARKS

Applicants request reconsideration of this application in view of the present Amendment.

I. Claim Objections

Claims 1, 20 and 23 are amended to remove the redundancy identified in the Office Action. Claims 26, 41 and 44 are not amended because the redundancy does not occur in those claims.

II. 35 U.S.C. § 102

Claim 1 defines a melt blended polyethylene composition that comprises the following three components:

- a first high density polyethylene (HDPE) resin with a melt flow index (MFI) of about 0.01 to about 0.2 and a density of about 0.941 to about 0.958 g/cm³;
- a second HDPE resin with an MFI of about 0.1 to about 1.5 and a density of about 0.957 to about 0.970 g/cm³; and
- a third polyethylene resin selected from the group consisting of linear low density polyethylene resins, linear medium density polyethylene resins, and mixtures thereof.

Claim 1 further recites properties of the melt blended composition, including a density between about 0.945 and about 0.960 g/cm³, a melt flow index of about 0.1 to about 0.4, and a stress crack resistance of at least 24 hours.

Wooster does not disclose a combination of the same components as recited in claim 1, nor does it disclose a combination of components that would provide the same properties as those recited by claim 1. Rather, Wooster discloses a melt blended composition of several components that **must** include a unique, substantially linear ethylene/ α -olefin interpolpolymer ("SLEP"), which is not equivalent to either the LLDPE or LMDPE resins of claim 1. Further, Wooster does not disclose a stress crack resistance of at least 24 hours.

LLDPE and LMDPE resins, as well known to one of skill in the art, are linear polymers polymerized with just enough α -olefin comonomer to reduce the density into the range of LDPE. In contrast, the SLEP polymers used by Wooster are a unique class of compounds prepared by a specialized method, i.e., continuous, solution phase polymerization using a unique, constrained

geometry catalyst. These SLEP polymers "are not in the same class as homogeneous linear ethylene/ α -olefin copolymers, nor heterogeneous linear ethylene/ α -olefin polymers, nor are they in the same class as traditional highly branched low density polyethylene." Wooster, Col. 8, lines 45-49. Further, the rheological, i.e., flow, properties of SLEP polymers differ dramatically from homogeneous linear ethylene/ α -olefin polymers and conventional heterogeneous linear polyethylenes as shown in Wooster Fig. 1. SLEP polymers are simply not LLDPE/LMDPE resins.

In addition, Wooster does not disclose, inherently or otherwise, a stress crack resistance of at least 24 hours. To be considered inherently present in a disclosure, a parameter must necessarily be present. Wooster does not disclose what stress crack resistance his mixtures possess. His use of the unique SLEP polymer with its uncommon structure and rheological properties provides absolutely no indication that his mixtures will have a stress crack resistance of at least 24 hours. Because Wooster does not disclose the stress crack resistance of his mixtures, and there is no other evidence indicating that these mixtures have a stress crack resistance of at least 24 hours, this parameter is not necessarily present.

Wooster's required addition of SLEP, and his failure to disclose a stress crack resistance of at least 24 hours demonstrate that Wooster has not disclosed the composition claimed in Claim 1. Because Wooster fails to disclose all the elements of Claim 1, Applicants respectfully request that the rejection of Claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Claims 2-4 and 6-15 depend from claim 1 and recite elements that further distinguish the invention from the disclosure of Wooster under 35 U.S.C. § 102(b).

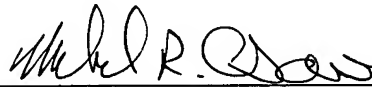
As with claim 1, independent claims 20, 23, 26, 41 and 44 also recite LLDPE and LMDPE resins and a stress crack resistance of at least 24 hours. Claims 20, 23, 26, 41 and 44 thus recite elements that are not disclosed by Wooster and are, therefore, not anticipated by Wooster under 35 U.S.C. § 102(b).

Claims 21-22, 25, 28, 42-43 and 45-50 depend from independent claims 20, 23, 26, 41 and 44 and recite elements that further distinguish the invention from the disclosure of Wooster under 35 U.S.C. § 102(b)

III. Conclusion

Applicants respectfully submit that the present Amendment places the application in condition for allowance, and allowance is requested.

Respectfully submitted,



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